

**REMARKS**

Claims 1-20 are currently pending in this application. Applicant has withdrawn claims 13-20 from consideration in response to a Restriction Requirement. Reconsideration is respectfully requested in light of the above claim amendments and the following remarks.

The Examiner rejected claims 1-12 under 35 U.S.C §103(a) as being anticipated by U.S. Patent Application No. 20010049499 to Lui et al. in view of U.S. Patent 6,083,207 to Heck. Applicant respectfully traverses this rejection.

The Examiner admits that Lui et al. do not disclose or suggest a snap fit arrangement coupled to a distal end of a valve body as recited in Applicant's claimed invention. The Examiner alleges however that Heck discloses a snap fit arrangement coupled to a distal end of a valve body that is adapted to couple onto a hub of tubular medical device. The Examiner further alleges that it would have been obvious to one of skill in the art to modify the device of Liu et al. by incorporating the snap fit arrangement taught by Heck. Applicant respectfully disagrees.

It is well understood that there must be some suggestion in the references that they be combined to support an obviousness rejection. Merely picking and choosing among various references is not permitted, and doing so amounts to no more than mere hindsight reconstruction. One of ordinary skill in the art must be motivated by the teachings to combine the references, without using applicants' claimed invention as a guide. Further, the strongest rationale for combining references is a recognition, either expressly or impliedly, in the prior art, that some advantage or expected beneficial result would be produced by the proposed combination of references. In re Sernaker, 702 F.2d 989, 994-95, 217 USPQ 1, 5-6 (Fed. Cir. 1983).

The Examiner suggests that the motivation to combine Liu et al. and Heck is to form a secure attachment between the valve and tubular medical device. The medical valve of Lui et al. includes a locking lip located at the proximal end of a proximal receiving chamber that helps hold the dilator hub therein. (Lui et al., FIGS. 9 and 31-33; paragraph 52). Thus in Lui et al. a dilator hub passes through a passageway in the valve body into a proximal receiving chamber that is configured to accept a dilator hub

forming a secure attachment between the valve and the tubular medical device. Thus, Liu et al. include a mechanism for forming a secure attachment between the valve and tubular medical device and there is no motivation to combine the valve of Liu et al. with the locking mechanism of Heck. Therefore, combining the references amounts to hindsight reconstruction based upon the teaching of Applicant's claimed invention, which is improper.

Further, Applicant's claimed invention as recited in independent claim 1 is directed towards a tearable hemostasis valve having a snap-fit arrangement coupled to a distal end of a valve body, wherein the snap and fit arrangement is adapted to couple onto an annular hub of a tubular medical device. (Underlining added for emphasis only). Applicant respectfully submits that neither Lui et al. nor Heck disclose or suggest the recited claim elements.

Rather, the medical valve of Lui et al. includes a locking lip located at a proximal end of a proximal receiving chamber that helps hold the dilator hub therein. (Lui et al., FIGS. 9 and 31-33; paragraph 52). Further, the hemostasis valve system of Heck includes a hemostasis valve housing and an adaptor system secured to the partitioned hemostasis valve housing, by which a splittable sheath (i.e. tubular medical device) can be secured to the partitioned hemostasis valve system, for example, as shown in FIGS. 1 and 2. Heck further discloses that in a preferred embodiment, the adaptor system (18) includes a pair of sides which when brought together, create a structure which holds a T-shaped top of the splittable sheath. (Heck, col. 8, lines 40-49). The adaptor system of Heck then forms a tight fit around the T-shaped handle of the splittable sheath to hold it securely in place.

Thus, the tubular device of Heck does not include a snap and fit arrangement adapted to couple onto an annular hub of a tubular medical device as recited in claim 1 of the present invention. Accordingly, Applicant respectfully submits that claim 1 is novel and unobvious over Lui et al. and Heck and is therefore allowable. Applicant further submits that claims 2-12 that depend from claim 1 is allowable as is claim 1 and for additional limitations recited therein.

**PATENT**

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

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